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Attorneys for Nominal Defendant APPLE INC. and Defendants  
TIMOTHY D. COOK, WILLIAM V. CAMPBELL, MILLARD  
DREXLER, ARTHUR D. LEVINSON, ROBERT A. IGER,  
ANDREA JUNG and FRED D. ANDERSON

[Additional Counsel Listed on Signature Page]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

R. ANDRE KLEIN, on behalf of himself  
and all other stockholders of APPLE INC.,

Case No. 5:14-cv-03634-EJD

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME TO  
RESPOND TO COMPLAINT**

**Plaintiff,**

VS.

TIMOTHY D. COOK, WILLIAM V.  
CAMPBELL, MILLARD ("MICKEY")  
DREXLER, ARTHUR D. LEVINSON,  
ROBERT A. IGER, ANDREA JUNG,  
FRED D. ANDERSON, ESTATE OF  
STEVEN P. JOBS, deceased, and DOES 1-  
30, inclusive,

## Defendants

-and-

APPLE INC., a California corporation,

### Nominal Defendant.

## **STIPULATION**

Nominal defendant Apple Inc. (“Apple”), defendants Timothy D. Cook, William V. Campbell, Millard Drexler, Arthur D. Levinson, Robert A. Iger, Andrea Jung and Fred D. Anderson (collectively with Apple, “Defendants”), and plaintiff R. Andre Klein (“Plaintiff”), by and through their respective counsel, hereby stipulate as follows:

6 WHEREAS, on August 11, 2014, Plaintiff filed a Verified Shareholder Derivative  
7 Complaint (the “Complaint”) against Defendants and the Estate of Steven P. Jobs;

8           WHEREAS, on August 27, 2014, Plaintiff requested that Defendants waive service of  
9 summons;

10 WHEREAS, on September 16, 2014, Defendants agreed to waive service of summons;

11 WHEREAS, Defendants' response to the Complaint is due on or before October 27, 2014;

12 WHEREAS, Plaintiff has limited the claims alleged in the Complaint against the Estate of  
13 Steven P. Jobs to the limits of coverage provided by applicable directors and officers insurance  
14 liability policies which provided coverage for claims against Steven P. Jobs while Jobs was  
15 employed at nominal defendant Apple Inc.;

WHEREAS, because of the nature of Plaintiff's claims asserted against the Estate of Steven P. Jobs, Plaintiff must serve the summons and Complaint on all the insurance companies which provided the directors and officers insurance liability policies to Jobs during the relevant time period; there are at least eight such insurance companies;

WHEREAS, Plaintiff requested that Defendants' counsel accept service of the summons and Complaint on behalf of the Estate of Steven P. Jobs, but Defendants' counsel was not able to obtain authorization to accept service;

WHEREAS, as a result, Plaintiff has not yet served the Estate of Steven P. Jobs and requires additional time to do so;

25 WHEREAS, Defendants have not sought or received any prior extensions of time to  
26 respond to the Complaint;

27 WHEREAS, the parties have met and conferred and agree that an extension of the time to  
28 respond is appropriate for the served Defendants so that an attempt may be made to set a uniform

1 response date for all defendants, once the Estate of Steven P. Jobs is served; and

2 WHEREAS, the parties have agreed that the deadline for Defendants to respond to the  
3 Complaint shall be extended by 30 days to November 26, 2014, to allow Plaintiff to complete  
4 service on the Estate of Steven P. Jobs.

5 NOW, THEREFORE, it is hereby agreed to and stipulated by Defendants and Plaintiff,  
6 through their respective counsel of record and subject to Court approval, as follows:

7 1. Defendants' time to respond to the Complaint shall be extended to November 26,  
8 2014.

9 **IT IS SO STIPULATED.**

10 Dated: October 27, 2014

GEORGE A. RILEY (S.B. No. 118304)  
MICHAEL F. TUBACH (S.B. No. 145955)  
O'MELVENY & MYERS LLP

13 By: /s/ Michael F. Tubach

Michael F. Tubach

14 Attorneys for Nominal Defendant APPLE  
15 INC. and Defendants TIMOTHY D. COOK,  
16 WILLIAM V. CAMPBELL, MILLARD  
DREXLER, ARTHUR D. LEVINSON,  
ROBERT A. IGER, ANDREA JUNG and  
FRED D. ANDERSON

18 Dated: October 27, 2014

BOTTINI & BOTTINI, INC.  
FRANCIS A. BOTTINI, JR. (S.B. No. 175783)  
ALBERT Y. CHANG (S.B. No. 296065)  
YURY A. KOLESNIKOV (S.B. No. 271173)

21 By: /s/ Francis A. Bottini, Jr.

Francis A. Bottini, Jr.

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27 Attorneys for Plaintiff R. ANDRE KLEIN

1 \* \* \*

2 [PROPOSED] ORDER

3 The above stipulation having been considered and good cause appearing, IT IS SO  
4 ORDERED.

5 Defendants' time to respond to the Complaint shall be extended to November 26, 2014.

6  
7 DATED: \_\_\_\_\_

8 \_\_\_\_\_  
9 THE HONORABLE EDWARD J. DAVILA  
10 UNITED STATES DISTRICT JUDGE

11 I, Michael F. Tubach, am the ECF User whose ID and password are being used to file this  
12 Stipulation and [Proposed] Order Extending Time to Respond to Complaint. In compliance with  
13 Civil Local Rule 5-1(i)(3), I hereby attest that Francis A. Bottini, Jr. has concurred in this filing.

14 By: /s/ Michael F. Tubach  
15 Michael F. Tubach

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